

May 28, 2008

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Waters; Supt. Givens; Toni Ricketts; Jill Strobel; Larry Williams; Owen Carver; and Alfred Bass.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented.

Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated Supt. Gray indicates the water department is in compliance in all areas currently and there are no operational problems currently. He then stated he, Supt. Gray, and Board member Askren will get together tomorrow morning for a site visit at the possible location they will purchase for the street department when the water department takes over some of their land. He added they will then report back to the Board.

Supt. Gray reported they can expect an update from Johnson Controls at the next meeting and hopefully on June 10 construction will kick off; they are still waiting on the DNR permit.

Chairman Curtis added he has had a conference call with Aventine and the bond folks and everyone seems ready to go. He added Aventine also offered their assistance with CSX in getting the tracks removed on Water Street.

Attorney Higgins stated she appreciates Mr. Buchanan's efforts, but the city needs to get approval to remove the track directly from CSX, and she expects a conference call on that in the near future.

Mayor Tucker asked if there were any questions of Chairman Curtis or Supt. Gray ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins stated in reference to the Aventine line, at a meeting in the near future they will be discussing the new rate ordinance that came as a result of Umbaugh's study, as well as presentation of Aventine's Water Agreement. She added their \$500,000 contribution is also ready to go and everyone is still on Board with that.

Mayor Tucker asked if anyone in the Audience wished to address the Water Utility Board?
There was no response.

Mayor Tucker asked if there was any Old Business ?
There was none.

Mayor Tucker asked if there was any New Business ?
There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.
Board member Fuelling moved the meeting be adjourned. Seconded by Board member Curtis.
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Waters; Supt. Givens; Toni Ricketts; Jill Strobel; Larry Williams; Owen Carver; Lisa Schnur and daughter; Alfred Bass; and arriving during Dave and Judy Whitten.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.
Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Hoehn.
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.
Comm. Maynard was not present.
Mayor Tucker asked if there were any questions ?
There were none.

Police & Dog Chairman Fuelling stated he has no report.
Chief Beloit was on vacation.
Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe stated she would like Council approval to get quotes from financial institutions for a loan. She added at the end of May, a rough estimate puts the General Fund at \$40,000, not enough for one issuance of payroll.

Attorney Higgins stated the first thing that Clerk-Treasurer Wolfe will do once the loan is secured is make the city funds whole again by paying back all outstanding loans between funds. She added the Council needs to make a motion authorizing Clerk-Treasurer Wolfe to get written quotes citing the amount requested, the time frame for payback, etc. She added the term will be whichever is earlier; either the receipt of tax money, or the passage of one year.

Councilman Curtis stated he feels they have done well for a long time under these circumstances and it is remarkable that they have not had to go get a loan sooner. He then moved Clerk-Treasurer Wolfe be authorized to get three bids on an \$800,000 loan, for payback being the earlier of receipt of tax money, or the passage of one year. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

Councilwoman Hoehn asked what happens if the loan can not be paid back in one year ?

Attorney Higgins replied the loan would then have to be renewed.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Mayor Tucker asked the first item on the Legal portion of the Agenda is signing the Water Temporary Loan Resolution that was approved at the last meeting. He then signed the Resolution.

Mayor Tucker asked if there were any other Legals ?

Attorney Higgins stated she has an Ordinance prepared as a result of their last meeting, An Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title VII – Traffic Code, Chapter 75 – Parking Schedules – Schedule I – No Parking Zones.

Mayor Tucker stated since their last meeting, the Robinsons and the Strobels have each had second thoughts on this ordinance. He added they are communicating and working on their issues and they would like the ordinance put on hold at this time.

Councilman Curtis stated so now, both parties are opposed ?

Attorney Higgins stated the Council can at this time choose to table the ordinance, though first reading is already on the books; they can have the second reading, or they can choose to kill the ordinance.

Councilwoman Hoehn stated this issue should not be a personal one, it should be a safety issue. She added she has gone down to the area and the street is crowded, narrow, and congested. It is dangerous. She added they could table this, but they need to be careful.

Councilman Curtis agreed and added the Council is not sitting here to resolve neighborhood conflicts, though pictures were also presented to the Council; he suggested they table any further action for one meeting.

Councilwoman Hoehn agreed. She then moved the Council table any further action on said Ordinance until the next meeting. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Councilwoman Hoehn asked that the Council check this area during different traffic periods.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Mr. Alfred Bass approached the podium and stated he is the manager of a plastics plant, and he appreciates the opportunity to speak with the Mayor and the Council this evening. He stated he apologizes for not being at the last meeting, he was misinformed as to when it was; but he does have a petition tonight to present to the Council concerning the railroad noise in Lawrence Addition. He added the railroad is breaking the law in that they are disturbing the peace. He stated he has even contacted Congressman Brad Ellsworth's office for possible assistance in constructing a sound barrier to reinstate the peace. He added he understands eminent domain, regulations, etc., but this domain (the subdivision) is affected. He stated he wife is ill, very ill, with cancer, and it is virtually impossible for her to rest with all of this noise. He added he moved to Mt. Vernon four years ago and two years ago, the peace disappeared. He stated the railroad is breaking the common law of disturbing the peace and it is time for some affirmative action. Again he stated, he would like to see some affirmative action taken on this. He added the noise is horrible and he would request the Council consider deeper the rights of taxpaying citizens. He then stated he loves it here in Mt. Vernon, it is a nice town but he would request seriously that the Council consider trying to get help in this area. He then thanked the Mayor and the Council for their time.

Councilwoman Hoehn asked if anyone has had any feedback from Mr. Buchanan as a result of the last meeting ?

Councilman Curtis replied he has had none.

Councilwoman Hoehn stated a sound barrier of trees, as proposed by Mr. Buchanan at the last meeting, will more than likely not help; she wondered if a land wall might. She then stated actually any barrier at this point would be helpful. She stated the residents effected by this need someone to talk to, it is a constant racket and things even fall off of walls in some of these homes. She added she understands the railroad's position, but this is devastating to some of these homes, and it is destroying their home's value.

Councilman Curtis stated he will call Mr. Buchanan this week.

Councilwoman Hoehn stated Mr. Buchanan was supposed to call Councilman Curtis.

Councilman Curtis again stated he will call him this week.

Councilwoman Hoehn suggested they try to get seismic readings in that area, it is devastating, and she would like to say the Council has given this their best shot at trying to resolve the situation.

Councilman Fuelling wondered about getting some knowledgeable people involved to see if a barrier (trees) would help.

Councilwoman Hoehn suggested possibly getting USI involved, she offered to give them a call.

Councilman Curtis stated he will definitely give Mr. Buchanan a call.

Councilwoman Higgins stated Mr. Bass mentioned Congressman Ellsworth – has anyone contacted him ?

Mayor Tucker replied no, but he did get in touch with a representative of Lugar's office, and they felt it was a local issue.

Councilwoman Hoehn stated CSX owns the tracks, they are responsible, and she is willing to call them.

Councilman Fuelling stated he feels they should pursue whatever they can.

Chief Waters left the meeting.

Judy and Dave Whitten arrived at the meeting.

Councilman Fuelling stated, bottom line, it depends on the workers that are actually doing the job of joining the cars together.

Councilwoman Hoehn added she feels that Mr. Buchanan may not have been totally accurate with the Council at their last meeting.

Mayor Tucker asked that Councilman Curtis and Councilwoman Hoehn report back to him and he will in turn contact Congressman Ellsworth.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Councilwoman Hoehn stated Supt. Givens has a sewer line running through her district that she believes there are some concerns about.

Attorney Higgins added this is really a Board of Works issue, they are the ones that would take any action. She added since there are citizens here tonight, the Council can hear their concerns, any progress, etc. but there is no ordinance for this body to pass.

Mayor Tucker agreed but added they have made the effort to be here this evening, Supt. Givens is here, they will hear their concerns during the District 3 report.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Toni Ricketts approached and stated she lives at 435 W. 8th Street and she would like to request extra police patrol in the area, due to the extra traffic being diverted from W. 4th Street. She added cars are disregarding the STOP sign at James and 8th and flying over the tracks on Wolflin. She stated with school being out kids are going to be at the ball fields, on their bikes, and it is an accident waiting to happen. She also stated she would like to request extra patrols in the area of W. 2nd Street for the same reason.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has a report on the riverfront stating that the city employees should be commended for working so well together – special thanks go to Sonny Clark, St. Comm. Maynard, Water Department employee Gordon Jeffries, and Mayor Tucker for coordinating the whole thing. He added thanks to their efforts, they saved the city money, and cleaned up and improved the area of the riverfront. Judy Whitten added she would like to personally thank Councilman Fuelling for his involvement as well as that of Mayor Tucker, and Councilwoman Higgins. She added she really sincerely appreciates their hard work.

3rd District Councilwoman Hoehn stated she has some constituents present concerning a sewer issue and asked that Supt. Givens come forward and update the Council.

Supt. Givens stated he is aware of two different issues and he feels he needs to hear the concerns first, and then he can answer any questions. He stated he is here to find a way to tie to a public sewer.

Lisa Schnur approached the podium and stated she is speaking on her daughter's behalf, as she is having a problem with her sewer on Smith Road, lots of problems. She added the city was contacted and they did come out and discovered her daughter is not on city sewer, she has septic, though the city has been charging her for sewer service. She added her daughter then contract Russell's Excavating and Septic Service and they came out and emptied the tank, at a cost of \$146.00. She added within a week, it was full again and they then contacted TSF. Come to find out, she stated, there are two tanks and Russell only emptied one. She added TSF charged them \$90 to empty the tanks again. She added Russell's told them they had to hook onto their line if they wanted city sewer, at a cost of \$6,000 plus a monthly fee, plus a tap fee to the city, plus

another 3%. She added her daughter then looked into getting a new septic, but there isn't enough room in the yard for it. She added there are four houses in that area that are also having sewer issues, and they are on septic too, and are also paying city sewer. She asked if they can get on the city sewer? She stated paying \$90 every month to have the septic emptied is quite costly, and her daughter does not have \$10,000 to \$15,000 that Russell's stated they would need to tap on.

Supt. Givens stated he is aware of this situation, though only recently. He added the city has no line in the area to tie to; they can not tie into Smith Road because it is a force main, and the gravity sewer is uphill from where they are. He stated the only sewer is a public sewer; though they are trying to remedy this situation. He added the homeowner's line would have to run up to the main line (Russell) that is the only one available. Again he stated, they are trying to help that neighborhood. He added any tap fees would be paid to the city and the homeowner is responsible for the line from their house to the main sewer line.

Ms. Schnur's daughter stated they can not afford the price to do that and the ground their house sits on is too small for a new septic tank. She added there are three other homes out there that are on septic that also want to be on city sewer – a new septic will not resolve the situation, or the money issues. She then stated she lives in the city, pays city taxes, she wondered about the possibility of being on city sewer.

Supt. Givens state they are trying to come up with an agreement in that area, then the folks would be dealing directly with the city. He added unfortunately, the homeowners would still have to put out some money, but by rights, there has to be a separate line running to a certain location on the main line, but they are all tied separately.

The tap in fee was then questioned?

Supt. Givens replied \$1,200.00 for each home.

Attorney Higgins stated she and Supt. Givens, Mayor Tucker, all are working diligently on this and have been since they were made aware of the issue. She added if the city takes over a line, it cuts out the expense of the middle man. She then stated any line that is put in will have to be done so according to code, complete with clean out valves, etc. She then stated it sounds like everyone out there will be interest in tapping in, if a main is available in a reasonable area, residents must tap onto it. She stated it sounds like a majority want to do just that. She added things have progressed very quickly so far, but the Board of Works will need to approve and accept that line, which could happen as soon as June. She then stated the Board of Works meets every other Thursday at 4:00 p.m. and this will be on their next Agenda.

Supt. Givens again stated they city is working on this.

Attorney Higgins added they need to be sure whatever they do is sufficient size and quality, and once the city takes the line and it is ready to be tapped, it is up to the residents when that occurs. She added in reference to the tap fee, State Board of Accounts prohibits the city from taking payments, it must be paid before any tap is made. She then stated Supt. Givens has been very diligent and expeditious since he was made aware of the issue.

Mayor Tucker asked if there were any questions?

There were none.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins reported there are kids playing in the Mill Creek area, around the construction. She added this can be very dangerous as an old sewer line has already been exposed. She urged parents to keep kids away from the area.

Councilwoman Hoehn stated there are still traffic issues in the area as well, people are being very aggressive. Councilman Tucker stated they are still in the process of scheduling a meeting with INDOT about possibly closing the north part of Mill Street.

Mayor Tucker reported receiving more donations for the riverfront project as follows: Old National Bank; Mount Vernon Garden Club; Girl Power Group; Larry Williams; McKims IGA (who also donated food for the day of clean up). He then thanked everyone for their help and donations. He stated he spoke with Tim Smith of J & J Welding today and he informed him that the boat ramp will be installed hopefully tomorrow.

Mayor Tucker stated before they adjourn, they need to take action on moving some meetings due to scheduling conflicts in June and July.

Councilwoman Askren moved the June 23rd meeting be moved to June 24th; and the July 14th meeting be moved to July 15th. Seconded by Councilwoman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated if there were no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilwoman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

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